

RESOLUTION NO. 20101209-002

WHEREAS, the City Council of the City of Austin has found that public necessity requires the City of Austin to acquire certain real property interests for public purposes as set out below; and

WHEREAS, the City of Austin has attempted to purchase those needed real property interests but has been unable to agree with the owners of the interests on the damages; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Attorney, or other authorized designee, is hereby authorized and directed to file, or cause to be filed, a suit in eminent domain on behalf of the City of Austin against the owners now having, or who may acquire, an interest in the real property interests needed by the City, described below, for the public purposes described below, and to take whatever other action may be deemed appropriate to effect the needed acquisitions.

The City Attorney, or other authorized designee, shall file eminent domain proceedings for:

Owners: Fannie Ruth Salyer, Don Allen Salyer, Sylvia Gay Meyer, Ella Louise Lind, Ralph Dailey Glass, James Robert Glass, Mary Frances Wisian, Joe Jaime and James Parker.

Project: Austin Energy Dunlap Substation

Public Purpose: the acquisition of the aerial electric transmission and distribution utility easements described in the attached Exhibits A and B is necessary to permit the City to place, construct, reconstruct, install, operate, repair, maintain, inspect, replace, upgrade, or remove (in whole or in part) electric transmission, distribution, and telecommunication lines and systems and all necessary or desirable appurtenances and structures (the "Facilities"), to permit telephone and cable television lines and systems to be installed, constructed, reconstructed, operated, repaired, inspected, upgraded, replaced or removed (in whole or in part) and maintained in the easements, and to cut or trim trees and shrubbery and to remove obstructions as necessary to keep them clear of the Facilities to permit the City unimpeded access to the Facilities, all of which will further the City's ability to provide reliable electric utility services to the public, and to protect and promote public health and safety;

the acquisition of a fee-simple interest in the property described in the attached Exhibit C is necessary to permit the City to place, construct, reconstruct, install, operate, repair, maintain, inspect, replace, upgrade, or remove (in whole or in part) a transmission/distribution substation (the "Substation") that will further the City's ability to provide reliable electric utility services to the public, and to protect and promote public health and safety.

Location: The subject property is located on the east side of Taylor Lane, approximately 1.73 miles south of the intersection of Taylor Lane and Blake Manor Road, and approximately 1.51 miles north of the intersection of Taylor Lane and FM 969

(Webberville Road) in the Austin, Texas ETJ, Travis County,
Texas.

Property: Described in the attached and incorporated Exhibits A, B and C.

ADOPTED: December 9, 2010

ATTEST:

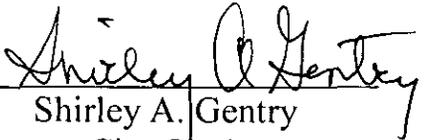

Shirley A. Gentry
City Clerk



Exhibit A

SURVEY PLAT OF A 1.055 ACRE (45968 SQUARE FOOT) TRACT OF LAND, REFERRED TO AS EASEMENT 1 HEREIN, IN THE JAMES GILLELAND SURVEY NUMBER 13, ABSTRACT NUMBER 12, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CALLED 130.683 ACRE TRACT OF LAND DESCRIBED TO FANNIE RUTH SALYER IN THOSE CERTAIN TWO SPECIAL WARRANTY DEEDS AS RECORDED IN VOLUME 13149, PAGE 383, OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AND IN DOCUMENT NUMBER 1999019515 OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID EASEMENT 1, 1.055 ACRE TRACT OF LAND BEING SHOWN ON THE ATTACHED SKETCH LABELED EXHIBIT "B" AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING for reference at a one-half inch iron rod found for the west corner of the said Salyer 130.683 acre tract of land and a 20.67 acre tract of land created this same day and not yet recorded, same being the north corner of that called 118.012 acre tract of land described to Fannie Ruth Salyer in that certain Special Warranty Deed as recorded in Document Number 1999019517 of the Official Public Records of Travis County, Texas and a point on the southeast line of Taylor Lane, a road in Travis County, Texas, right of way as found occupied, monumented and used upon the ground;

THENCE North 27°17'30" East, along the common dividing line of the said Taylor Lane and the said Salyer 130.683 acre tract of land a distance of 50.00 feet to a City of Austin aluminum capped iron rod set for the most westerly north corner of the said 20.67 acre tract of land, same being on the common dividing line of the said Taylor Lane and the said Salyer 130.68 acre tract of land and from this point the north corner of the said Salyer 130.683 acre tract of land bears the following two (2) courses: 1) North 27°17'30" East, a distance of 465.65 feet to a point, 2) North 27°16'01" East, a distance of 745.95 feet to a one-half inch iron rod found for the west corner of that called 247.156 acre tract of land described to JJ Minerva, Ltd., Trustee in that certain Warranty Deed as recorded in Document Number 2003223474 of the Official Public Records of Travis County, Texas, same being a point on the southeast right of way line of Taylor Lane;

THENCE crossing over the said Salyer 130.683 acre tract of land the following six (6) courses:

- 1) South 61°56'58" East, a distance of 584.74 feet to a City of Austin aluminum capped iron rod set for an interior ell corner of the said 20.67 acre tract of land;
- 2) North 28°03'02" East, a distance of 882.58 feet to a City of Austin aluminum capped iron rod set for the north corner of the said 20.67 acre tract of land and the **POINT OF BEGINNING** of and west corner of the herein described Easement 1, 1.055 acres of land;
- 3) North 28°03'02" East, a distance of 229.84 feet to a point for the north corner of the herein described Easement 1, 1.055 acres of land, same being a point on the southwest line of that certain City of Austin electric and telephone line easement as recorded in Volume 3270, Page 2353, of the Deed Records of Travis County, Texas;

**(SURVEY PLAT OF A 1.055 ACRE (45968 SQUARE FOOT) TRACT OF LAND,
REFERRED TO AS EASEMENT 1 HEREIN, IN THE JAMES GILLELAND
SURVEY NUMBER 13, ABSTRACT NUMBER 12, TRAVIS COUNTY, TEXAS)**

- 4) South 62°02'19" East, coincidence with the southwest line of the said City of Austin electric and telephone line easement a distance of 200.00 feet to a point for the east corner of the herein described Easement 1, 1.055 acres of land;
- 5) South 28°03'02" West, departing the southwest line of the said City of Austin electric and telephone line easement a distance of 229.84 feet to a point for the south corner of the herein described Easement 1, 1.055 acres of land, same being a point on the most northerly northeast line of the said 20.67 acre tract of land not yet recorded and from this point a City of Austin aluminum capped iron rod set for the east corner of the said 20.67 acre tract of land bears South 62°02'19" East a distance of 732.76 feet;
- 6) North 62°02'19" West, coincidence with the most northerly northeast line of the said 20.67 acre tract of land a distance of 200.00 feet to the **POINT OF BEGINNING** and containing 1.055 acres of land or (45968 square feet) of land more or less.

BASIS OF BEARINGS IS NAD 83, TEXAS CENTRAL ZONE, 4203, as per GPS observation.

I hereby certify that these field notes were prepared from an on the ground survey made under my supervision in August 2009.

Prepared By: AUSTIN ENERGY

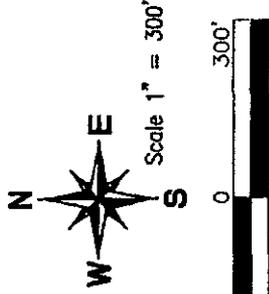
Robert C. Steubing
Robert C. Steubing
Registered Professional Land Surveyor No. 5548



10/07/2010
Date

Bearing Basis is NAD 83, Texas Central Zone 4203, as SKETCH TO ACCOMPANY FIELD NOTE DESCRIPTION OF A 20.67 ACRE TRACT OF LAND AND TWO EASEMENTS OUT OF THE JAMES GILLELAND SURVEY NO. 13, ABSTRACT NO. 12 IN TRAVIS COUNTY, TEXAS

JJ Minerva, Ltd., Trustee
 Warranty Deed
 Document 2003223474 OPRCT
 Called 247.156 Acres

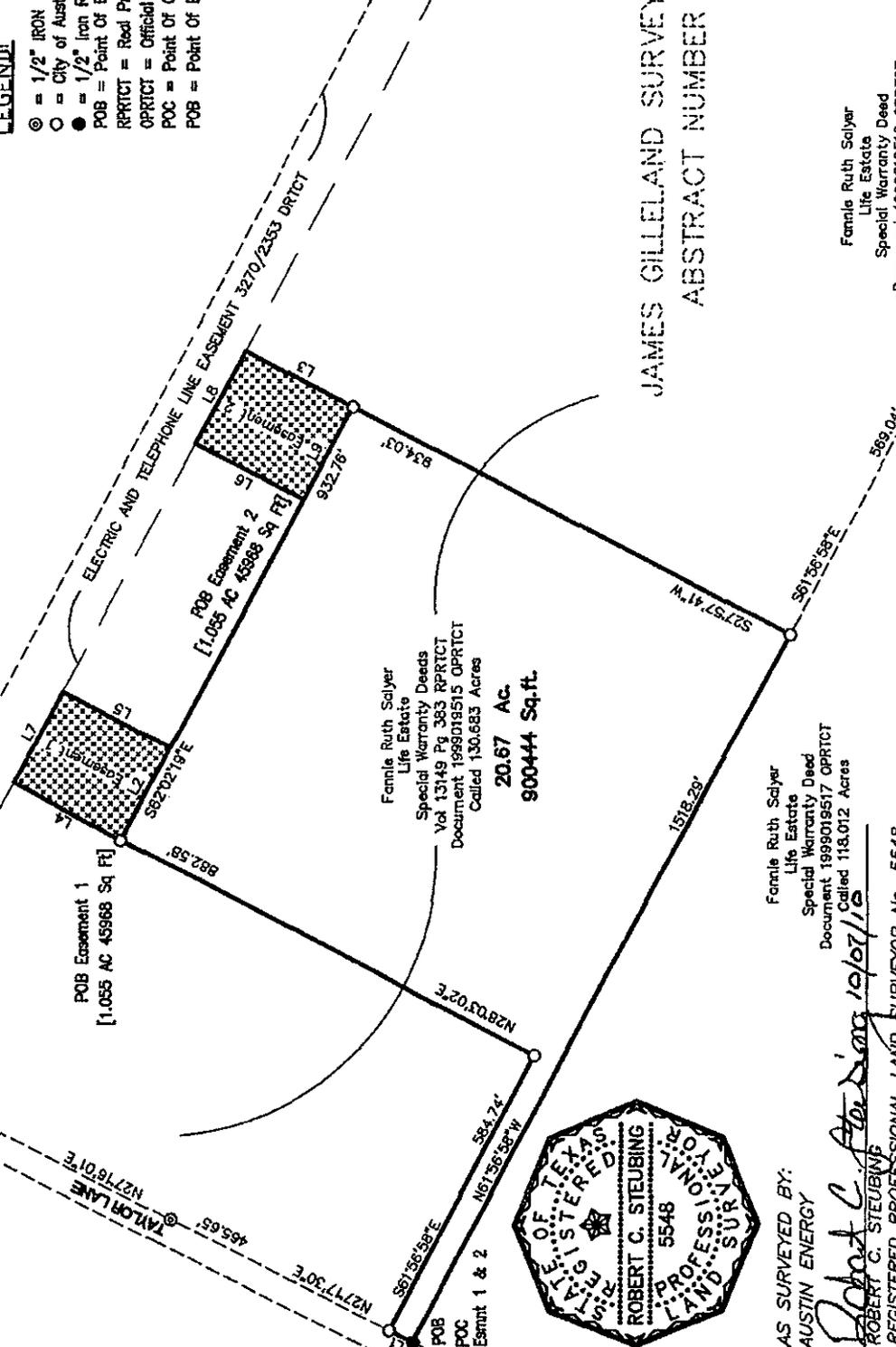


LEGEND:

- ⊙ = 1/2" IRON ROD SET
- = City of Austin Aluminum Capped Rod Set
- = 1/2" Iron Rod Found
- POB = Point Of Beginning
- RPRTCT = Real Property Records Travis County Tx
- OPRTCT = Official Public Records Travis County Tx
- POC = Point Of Commencement
- POB = Point Of Beginning

JAMES GILLELAND SURVEY NO. 13
 ABSTRACT NUMBER 12

NUM	BEARING	DISTANCE
L1	N27°17'30"E	50.00'
L2	N62°02'19"W	200.00'
L3	S27°57'41"W	229.84'
L4	N28°03'02"E	229.84'
L5	S28°03'02"W	229.84'
L6	N27°57'41"E	229.84'
L7	S62°02'19"E	200.00'
L8	S62°02'19"E	200.00'
L9	N62°02'19"W	200.00'



Family Ruth Solyer
 Life Estate
 Special Warranty Deed
 Document 1999019516 OPRCT
 Called 114.710 Acres

Family Ruth Solyer
 Life Estate
 Special Warranty Deed
 Document 1999019517 OPRCT
 Called 118.012 Acres

AS SURVEYED BY:
 AUSTIN ENERGY

Robert C. Steubing
 ROBERT C. STEUBING
 REGISTERED PROFESSIONAL LAND SURVEYOR No. 5548
 SURVEYED ON THE GROUND IN OCTOBER 2009

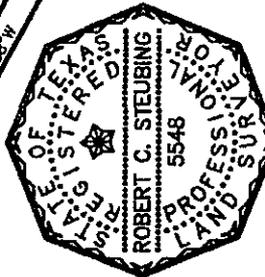




Exhibit B

SURVEY PLAT OF A 1.055 ACRE (45968 SQUARE FOOT) TRACT OF LAND, REFERRED TO AS EASEMENT 2 HEREIN, IN THE JAMES GILLELAND SURVEY NUMBER 13, ABSTRACT NUMBER 12, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CALLED 130.683 ACRE TRACT OF LAND DESCRIBED TO FANNIE RUTH SALYER IN THOSE CERTAIN TWO SPECIAL WARRANTY DEEDS AS RECORDED IN VOLUME 13149, PAGE 383, OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AND IN DOCUMENT NUMBER 1999019515 OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID EASEMENT 2, 1.055 ACRE TRACT OF LAND BEING SHOWN ON THE ATTACHED SKETCH LABELED EXHIBIT "B" AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOW:

COMMENCING for reference at a one-half inch iron rod found for the west corner of the said Salyer 130.683 acre tract of land and a 20.67 acre tract of land created this same day and not yet recorded, same being the north corner of that called 118.012 acre tract of land described to Fannie Ruth Salyer in that certain Special Warranty Deed as recorded in Document Number 1999019517 of the Official Public Records of Travis County, Texas and a point on the southeast line of Taylor Lane, a road in Travis County, Texas, right of way as found occupied, monumented and used upon the ground;

THENCE North 27°17'30" East, along the common dividing line of the said Taylor Lane and the said Salyer 130.683 acre tract of land a distance of 50.00 feet to a City of Austin aluminum capped iron rod set for the most westerly north corner of the said 20.67 acre tract of land, same being on the common dividing line of the said Taylor Lane and the said Salyer 130.68 acre tract of land and from this point the north corner of the said Salyer 130.683 acre tract of land bears the following two (2) courses: 1) North 27°17'30" East, a distance of 465.65 feet to a point, 2) North 27°16'01" East, a distance of 745.95 feet to a one-half inch iron rod found for the west corner of that called 247.156 acre tract of land described to JJ Minerva, Ltd., Trustee in that certain Warranty Deed as recorded in Document Number 2003223474 of the Official Public Records of Travis County, Texas, same being a point on the southeast right of way line of Taylor Lane;

THENCE crossing over the said Salyer 130.683 acre tract of land the following six (6) courses:

- 1) South 61°56'58" East, a distance of 584.74 feet to a City of Austin aluminum capped iron rod set for an interior ell corner of the said 20.67 acre tract of land;
- 2) North 28°03'02" East, a distance of 882.58 feet to a City of Austin aluminum capped iron rod set for the north corner of the said 20.67 acre tract of land;
- 3) South 62°02'19" East, a distance of 732.76 feet to a point for the **POINT OF BEGINNING** of and west corner of the herein described Easement 2, 1.055 acres of land;
- 4) North 27°57'41" East, a distance of 229.84 feet to a point for the north corner of the herein described Easement 2, 1.055 acres of land, same being a point on the southwest line of that

(SURVEY PLAT OF A 1.055 ACRE (45968 SQUARE FOOT) TRACT OF LAND, REFERRED TO AS EASEMENT 2 HEREIN, IN THE JAMES GILLELAND SURVEY NUMBER 13, ABSTRACT NUMBER 12, TRAVIS COUNTY, TEXAS)

- certain City of Austin electric and telephone line easement as recorded in Volume 3270, Page 2353, of the Deed Records of Travis County, Texas;
- 5) South 62°02'19" East, coincidence with the southwest line of the said City of Austin electric and telephone line easement a distance of 200.00 feet to a point for the east corner of the herein described Easement 2, 1.055 acres of land;
 - 6) South 27°57'41" West, departing the southwest line of the said City of Austin electric and telephone line easement a distance of 229.84 feet to a City of Austin aluminum capped iron rod set for the south corner of the herein described Easement 2, 1.055 acres of land and the said 20.67 acre tract of land not yet recorded;
 - 7) North 62°02'19" West, coincidence with the most northerly northeast line of the said 20.67 acre tract of land a distance of 200.00 feet to the **POINT OF BEGINNING** and containing 1.055 acres of land or (45968 square feet) of land more or less.

BASIS OF BEARINGS IS NAD 83, TEXAS CENTRAL ZONE, 4203, as per GPS observation.

I hereby certify that these field notes were prepared from an on the ground survey made under my supervision in August 2009.

Prepared By: AUSTIN ENERGY

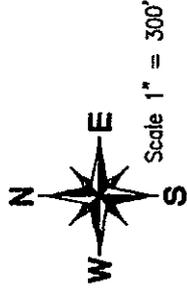
Robert C. Steubing
Robert C. Steubing
Registered Professional Land Surveyor No. 5548



10/07/2010
Date

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JJ Minerva, Ltd., Trustee
 Warranty Deed
 Document 2003223474 OPRCTCT
 Called 247.156 Acres

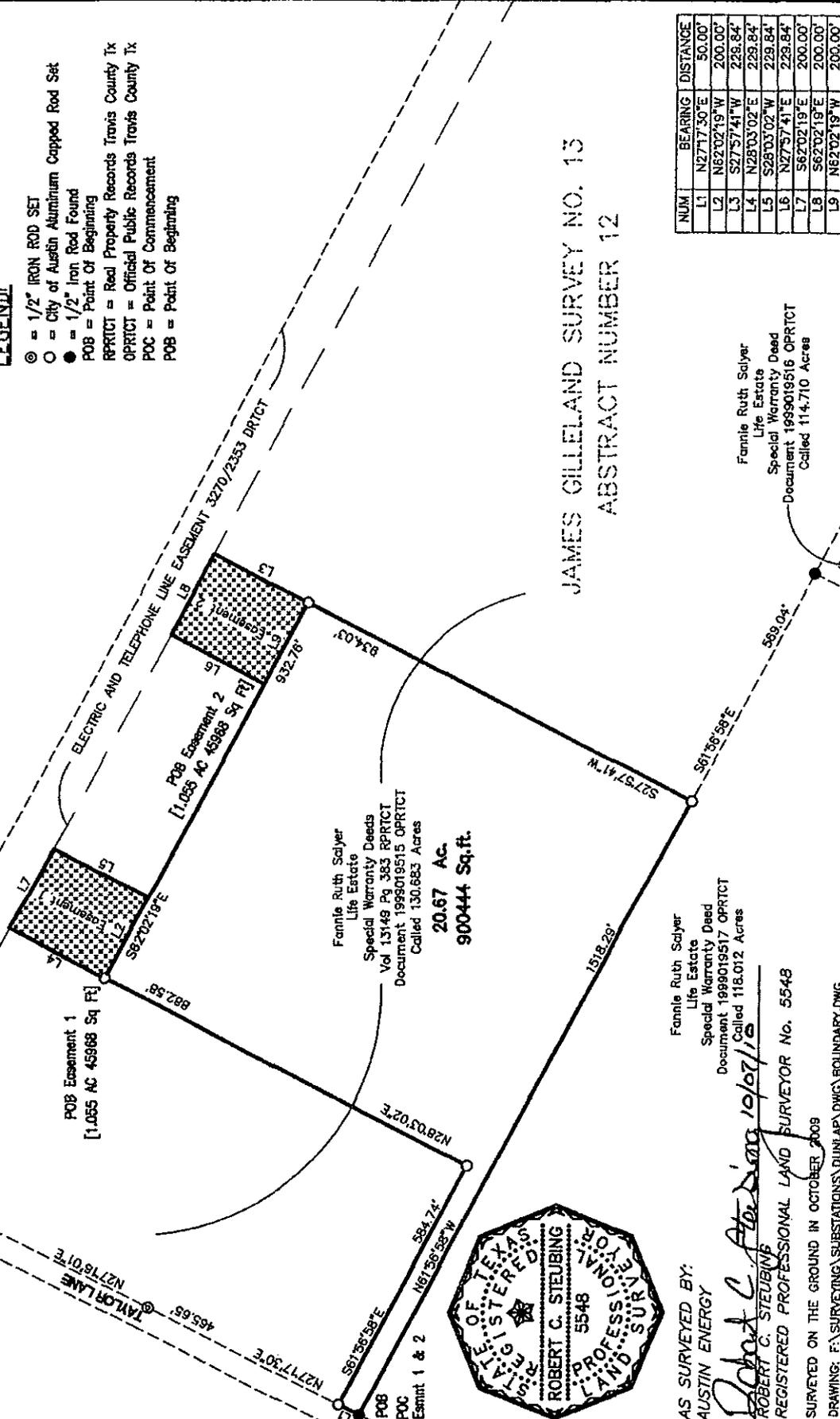


Scale 1" = 300'



LEGEND:

- ⊙ = 1/2" IRON ROD SET
- = City of Austin Aluminum Capped Rod Set
- = 1/2" Iron Rod Found
- POB = Point Of Beginning
- RPRTCT = Real Property Records Travis County Tx
- OPRTCT = Official Public Records Travis County Tx
- POC = Point Of Commencement
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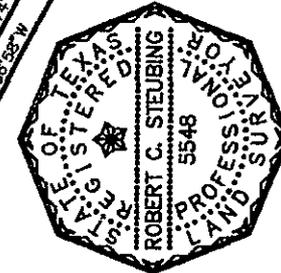


JAMES GILLELAND SURVEY NO. 13
 ABSTRACT NUMBER 12

NUM	BEARING	DISTANCE
L1	N277°30'E	50.00'
L2	N62°02'19"W	200.00'
L3	S27°57'41"W	229.84'
L4	N28°03'02"E	229.84'
L5	S28°03'02"W	229.84'
L6	N27°57'41"E	229.84'
L7	S62°02'19"E	200.00'
L8	S62°02'19"E	200.00'
L9	N62°02'19"W	200.00'

Fannile Ruth Salyer
 Life Estate
 Special Warranty Deed
 Document 1999019516 OPRCTCT
 Called 114.710 Acres

Fannile Ruth Salyer
 Life Estate
 Special Warranty Deed
 Document 1999019517 OPRCTCT
 Called 118.012 Acres



AS SURVEYED BY:
 AUSTIN ENERGY
 Robert C. Steubing 10/07/18
 REGISTERED PROFESSIONAL LAND SURVEYOR No. 5548
 SURVEYED ON THE GROUND IN OCTOBER 2009
 DRAWING: F:\SURVEYING\SUBSTATIONS\DUNLAP\DWG\BOUNDARY.DWG



Exhibit C

SURVEY PLAT OF A 20.67 ACRE (900444 SQUARE FOOT) TRACT OF LAND IN THE JAMES GILLELAND SURVEY NUMBER 13, ABSTRACT NUMBER 12, TRAVIS COUNTY, TEXAS, AND BEING OUT OF AND A PORTION OF THAT CALLED 130.683 ACRE TRACT OF LAND DESCRIBED TO FANNIE RUTH SALYER IN THOSE CERTAIN TWO SPECIAL WARRANTY DEEDS AS RECORDED IN VOLUME 13149, PAGE 383, OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AND IN DOCUMENT NUMBER 1999019515 OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 20.67 ACRE TRACT OF LAND BEING SHOWN ON THE ATTACHED SKETCH LABELED EXHIBIT "B" AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOW:

BEGINNING at a one-half inch iron rod found for the west corner of the herein described 20.67 acre tract of land and the said Salyer 130.683 acre tract of land, same being the north corner of that called 118.012 acre tract of land described to Fannie Ruth Salyer in that certain Special Warranty Deed as recorded in Document Number 1999019517 of the Official Public Records of Travis County, Texas and a point on the southeast line of Taylor Lane, a road in Travis County, Texas, right of way as found occupied, monumented and used upon the ground;

THENCE North 27°17'30" East, along the common dividing line of the said Taylor Lane and the said Salyer 130.683 acre tract of land a distance of 50.00 feet to a City of Austin aluminum capped iron rod set for the most westerly north corner of the herein described 20.67 acre tract of land, same being on the common dividing line of the said Taylor Lane and the said Salyer 130.68 acre tract of land and from this point the north corner of the said Salyer 130.683 acre tract of land bears the following two (2) courses: 1) North 27°17'30" East, a distance of 465.65 feet to a point, 2) North 27°16'01" East, a distance of 745.95 feet to a one-half inch iron rod found for the west corner of that called 247.156 acre tract of land described to JJ Minerva, Ltd., Trustee in that certain Warranty Deed as recorded in Document Number 2003223474 of the Official Public Records of Travis County, Texas, same being a point on the southeast right of way line of Taylor Lane;

THENCE departing the southeast line of Taylor Lane and severing from said and through said Salyer 130.683 acre tract of land the following four (4) courses:

- 1) South 61°56'58" East, a distance of 584.74 feet to a City of Austin aluminum capped iron rod set for an interior ell corner of the herein described 20.67 acre tract of land;
- 2) North 28°03'02" East, a distance of 882.58 feet to a City of Austin aluminum capped iron rod set for the north corner of the herein described 20.67 acre tract of land;
- 3) South 62°02'19" East, a distance of 932.76 feet to a City of Austin aluminum capped iron rod set for the east corner of the herein described 20.67 acre tract of land;
- 4) South 27°57'41" West, a distance of 934.03 feet to a City of Austin aluminum capped iron rod set for the south corner of the herein described 20.67 acre tract of land, same being a point on the common dividing line of the said Salyer 130.683 acre tract of land and the said Salyer 118.012 acre tract of land, from this point a one-half inch iron rod found for the most

(SURVEY PLAT OF A 20.67 ACRE (900444 SQUARE FOOT) TRACT OF LAND N
THE JAMES GILLELAND SURVEY NUMBER 13, ABSTRACT NUMBER 12,
TRAVIS COUNTY, TEXAS)

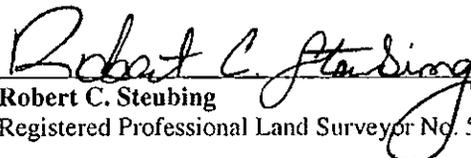
northerly east corner of the said Salyer 118.012 acre tract of land, same being the north corner of that called 114.710 acre tract of land described to Fannie Ruth Salyer in that certain Special Warranty Deed as recorded in Document Number 1999019516 of the Official Public Records of Travis County, Texas, bears South 61°56'58" East, a distance of 569.04 feet;

THENCE North 61°56'58" West, along the common dividing line of the said Salyer 130.683 acre tract of land and the said Salyer 118.012 acre tract of land a distance of 1518.29 feet to the **POINT OF BEGINNING** and containing 20.67 acres of land or (900444 square feet) of land more or less.

BASIS OF BEARINGS IS NAD 83, TEXAS CENTRAL ZONE, 4203, as per GPS observation.

I hereby certify that these field notes were prepared from an on the ground survey made under my supervision in August 2009.

Prepared By: AUSTIN ENERGY

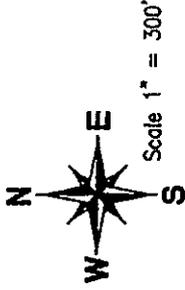

Robert C. Steubing
Registered Professional Land Surveyor No. 5548



10/07/2010
Date

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U Minerva, Ltd., Trustee
 Warranty Deed
 Document 2003223474 OPRCTC
 Called 247.156 Acres

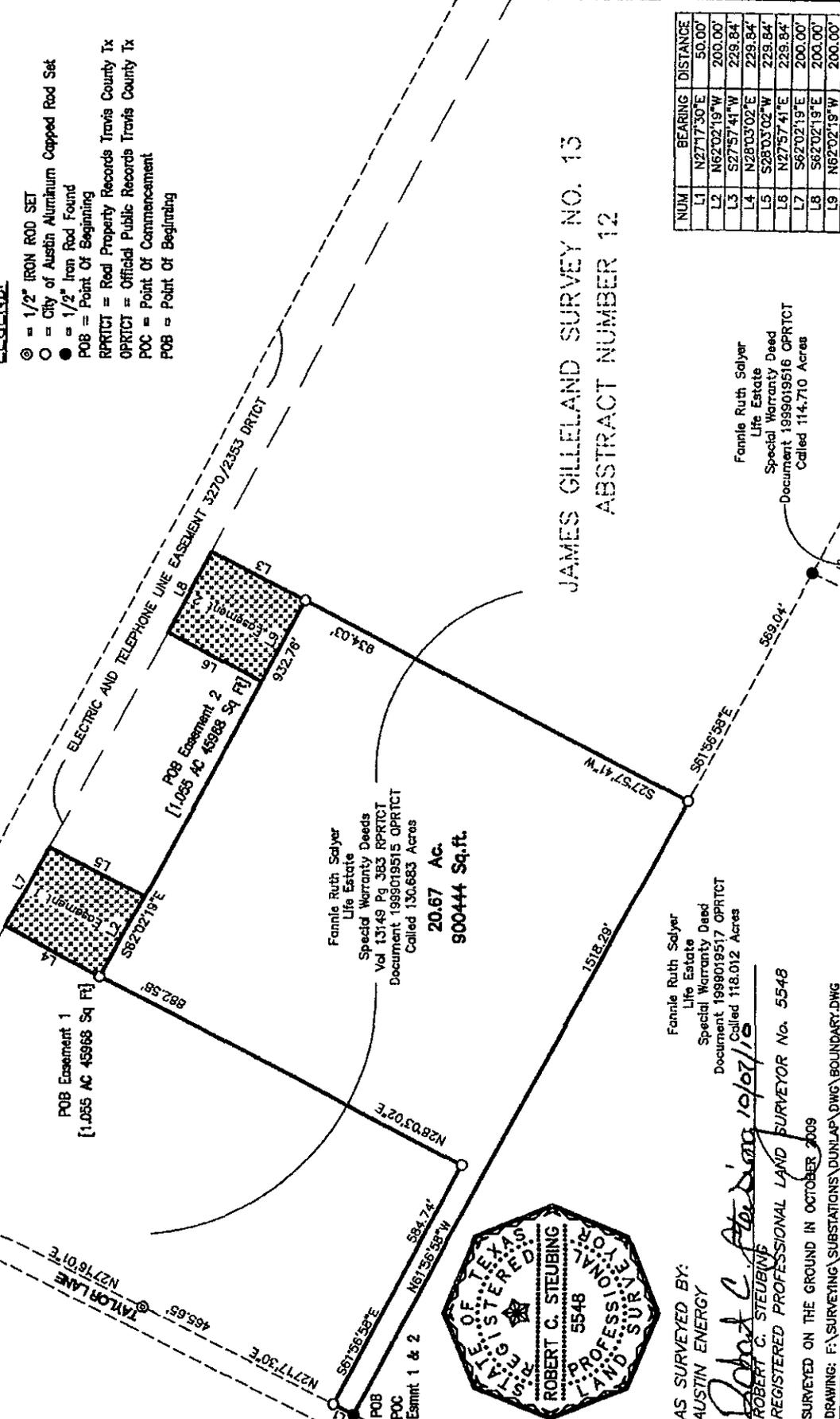


Scale 1" = 300'



LEGEND:

- ⊙ = 1/2" IRON ROD SET
- = City of Austin Aluminum Capped Rod Set
- = 1/2" Iron Rod Found
- POB = Point Of Beginning
- OPRCTC = Real Property Records Travis County Tx
- OPRCTC = Official Public Records Travis County Tx
- POC = Point Of Commencement
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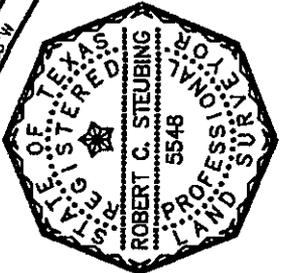
JAMES GILLELAND SURVEY NO. 13
 ABSTRACT NUMBER 12

NUM	BEARING	DISTANCE
L1	N27°17'30"E	50.00'
L2	N62°02'19"W	200.00'
L3	S27°57'41"W	229.84'
L4	N28°03'02"E	229.84'
L5	S28°03'02"W	229.84'
L6	N27°57'41"E	229.84'
L7	S62°02'19"E	200.00'
L8	S62°02'19"E	200.00'
L9	N62°02'19"W	200.00'

Fannie Ruth Salyer
 Life Estate
 Special Warranty Deeds
 Vol 13149 Pg 363 RPRCTC
 Document 1998019515 OPRCTC
 Called 130.683 Acres

Fannie Ruth Salyer
 Life Estate
 Special Warranty Deed
 Document 1998019517 OPRCTC
 Called 118.012 Acres

Fannie Ruth Salyer
 Life Estate
 Special Warranty Deed
 Document 1999019516 OPRCTC
 Called 114.710 Acres



AS SURVEYED BY:
 AUSTIN ENERGY

Robert C. Steubing
 ROBERT C. STEUBING
 REGISTERED PROFESSIONAL LAND SURVEYOR No. 5548

SURVEYED ON THE GROUND IN OCTOBER 2009

DRAWING: F:\SURVEYING\SUBSTATIONS\DUNLAP\DWG\BOUNDARY.DWG